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Attorney for NICHOLAS POPOALII

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

NICHOLAS POPOALII,
Defendant.

CASE NO. CR 08-0118 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING SENTENCING
HEARING**

Date: October 28, 2009
Time: 2:30 pm
Court: Hon. Maxine M. Chesney

STIPULATION

Defendant Nicholas Popoalii, by and through his counsel, Edward W. Swanson, and the United States, by and through Assistant United States Attorney Tarek J. Helou, hereby stipulate and agree as follows:

1) The parties previously requested that the Court continue Mr. Popoalii's sentencing to October 14, 2009 because the probation officer assigned to the case became unexpectedly ill. In an order dated August 25, 2009, the Court set sentencing for October 28, 2009 at 2:30 p.m.

2) Counsel for Mr. Popoalii is unavailable on October 28 due to a trial in front of Judge Ware that will begin on October 20.

3) To accommodate the schedules of defense counsel, the government, and the probation officer, the parties request an order continuing Mr. Popoalii's sentencing date to December 9, 2009 at 2:30 p.m.

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4) Probation officer John D. Woods has no objection to the proposed continuance.
IT IS SO STIPULATED.

Dated: October 2, 2009

/s/
Edward W. Swanson
SWANSON & MCNAMARA LLP
Counsel for NICHOLAS POPOALII

Dated: October 2, 2009

/s/
Tarek J. Helou
Assistant United States Attorney

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 5, 2009

MAKINE M. CHESNEY
United States District Court